

REMARKS

In response to the Office Action mailed November 14, 2007, Applicant respectfully requests reconsideration. Claims 1-4 were previously pending in this application. Claims 1-4 have been amended. New claims 5-20 have been added. As a result, claims 1-20 are pending for examination with claims 1, 4, and 9 being independent claims. No new matter has been added.

Objections to the Specification

The Office Action objected to the abstract. The abstract has been amended by adding a new paragraph to serve as the abstract. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1-3 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the phrase “or the other” is cited as being indefinite. Applicant has removed the phrase “or the other” in claims 1 and 4. Accordingly, withdrawal of the rejection of claims 1-3 under 35 U.S.C. §112 is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 1-4 were rejected under 36 U.S.C. §103(a) as being unpatentable over Nexus 5001 Forum, “Standard for a Global Embedded Processor Debug Interface”, IEEE-ISTO, pages 5, 28-29 and 92-97 of 150 (“Nexus”), in view of Petersen et al., U.S. Patent No. 5,822,321 (“Peterson”). Applicants respectfully traverse the rejections.

Peterson is related to a telecommunications system that uses asynchronous transfer mode (ATM) with the ATM adaption layer (AALm) protocol as a data transfer infrastructure (Abstract). Peterson discloses a method and apparatus for segmenting and reassembling user data packets. For example in Fig. 5 and in Col. 4, Lines 7-41, Peterson discloses a packet that is divided into segments, all of which have the same fixed length except for the last segment (Col. 3, Lines 66-67). Each segment is assigned one of three types of headers, namely “first segment,” “second segment,” or “third segment.” In Col. 4, Lines 34-41, Peterson discloses that if a length

of a packet is inferior to a length of a segment, only one segment is sent with the header “last segment.” Peterson fails to distinguish between a message and a packet, the message comprising a plurality of packets. Hence, there is no disclosure made in Peterson with regards to sending more than one packet in a message.

The Nexus 5001 Forum is a standard related to developing an embedded processor debug interface standard for embedded control applications. In Nexus, a message can be divided into packets of variable sizes and each message is divided in segments. Each segment can be classified as one of five categories, namely Start Message (SM), Normal Transfer (NT), End Packet (EP), Idle (ID), and End Message (EM).

Applicant’s invention arose out of an improvement of Nexus, and Applicants respectfully submit that differences relative to Nexus are clearly reflected in the claims. For example, claim 1 recites: “wherein a segment containing both the start and the end of a message is classified as being a segment containing a message end, and a segment containing both the start of a message and the end of a first packet of the message is classified as being a segment containing a packet end.” Claim 4 recites: “wherein the means for dividing each data packet classifies a segment containing both the start and the end of a message as being a segment containing a message end, and classifies a segment containing both the start of a message and the end of a first packet of the message as being a segment containing a packet end.” Newly added claim 9 also recites a sequence of messages that is invalid under Nexus, and likewise would not be anticipated or obvious based on the references.

The Office Action contends that Peterson teaches a segment containing both the start and the end of a message is classified as being a segment containing a message end, and a segment containing both a start of a message and the end of a first packet of the message is classified as being a segment containing a packet end. Applicant respectfully disagrees. Even if the references were combined, they would not teach all limitations of the claims.

Peterson fails to distinguish between a packet and a message and hence only divides segments into 3 types instead of five types, as recited in claims 1 and 4. Peterson does not distinguish between a packet end and a message end. Furthermore, Peterson discloses a transmission of a segment with a header “last” for a message having only one packet, the length of which is inferior to the length of a segment, **and** a transmission of a segment with the header “last” for a message having several packets wherein the first packet has a length inferior to the

length of a segment. A person of ordinary skill in the art trying to adapt Peterson to the Nexus standard would not separate a first case when a segment contains both the start and the end of a message and a second case when a message contains the start of a message and the end of a data packet of the message.

As a separate reason why the references do not make a *prima facie* case of obviousness, there would have been no reason for one of skill in the art to combine methods for testing a microprocessor (Nexus) with a segmentation and reassembly method used for telecommunication systems as in Peterson. The nature of data to be transmitted, the distance over which it would have been transmitted, and other characteristics of the operating environment are vastly different in the context of the Nexus standard and the Peterson reference such that one of skill in the art would not have recognized any reason to pick and choose characteristics of the transmissions in each.

Accordingly, claim 1 patentably distinguishes over Nexus in view of Peterson. Therefore, rejection of claim 1 should be withdrawn. Claims 2-4 depend from claim 1 and are allowable based upon their dependency.

New Claims

New dependent claims 5-8 and 10-20 have been added to further define the Applicant's contribution to the art, and recite additional limitations that distinguish over the references. As noted above, newly added independent claim 9 recites transmission of a sequence of segments that does not occur in either reference.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: February 14, 2007

Respectfully submitted,

By:/Edmund J. Walsh/
Edmund J. Walsh, Reg. No. 32,950
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000